

JOSEPH TOUSAIN, ALIAS TOUZIN.

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JUNE 6, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

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MR. UPDEGRAFF, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 3684.]

The Committee on the Judiciary, to whom was referred the bill (S. 3684) for the relief of Joseph Tousaint (or Touzin), have considered the same and beg leave to make the following report:

It appears from the records of the War Department and from other evidence laid before the committee that Joseph Tousaint, who sometimes spelled his name "Touzin," is a French Canadian by birth, who emigrated to the United States at the age of 13 years with his father. It does not appear whether or not the father was ever naturalized. Joseph, when a young man and still under the age of majority, joined the expedition of Gen. A. S. Johnston against the Mormons in 1858, and served as a teamster attached to the national forces for about six months, at the end of which period he was honorably discharged. Afterwards, during the civil war, he served again in the same capacity in the United States Army for eighteen months or more, and, having reached the grade of wagon master, was honorably discharged at the close of hostilities.

It seems that during the progress of the war Tousaint, being then at New Orleans while that city was under military control, undertook to have himself naturalized by taking certain oaths before the military officers, and he has since supposed and regarded himself as a naturalized citizen, voting without challenge at elections, and being generally looked upon by the community as a citizen.

It appearing that no record can be found of the supposed naturalization proceedings at New Orleans, and it appearing also doubtful whether such proceedings were, in point of law, effective to naturalize the man, the purpose of the present bill is to remedy any possible defect in Tousaint's naturalization and to make his intent effective.

As the petitioner has, since the close of the last war and prior to the year 1891, sustained a loss by Indian depredations, as he alleges, it is by the committee deemed just to accomplish his naturalization by an act

of Congress, so as to make the same relate back to the date of his alleged loss, and thereby give him an opportunity to prove his claim under the Indian depredation act of 1891.

Under judicial construction of that statute, naturalization at the present date in the usual way would not qualify the petitioner to maintain his suit, and, in view of Tousaint's military service, his bona fide attempt to become a citizen in 1863, and his evident belief that such attempt was effective, the committee consider it only just to relieve him of a disability, which is merely technical, and to give him an opportunity to establish any claim which he may have against Indian depredators.

